

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Interstate Power Company/Alliant and	:	
Jo-Carroll Electric Cooperative	:	
	:	01-0208
Joint Petition for approval of a partial	:	
service area agreement defining	:	
areas pursuant to Section 6 of the Electric	:	
Supplier Act.	:	

ORDER

By the Commission:

On March 6, 2001, Interstate Power Company/Alliant ("Interstate") and Jo-Carroll Electric Cooperative ("Jo-Carroll") ("Petitioners") filed with the Illinois Commerce Commission ("Commission") a verified Joint Petition seeking approval of a Partial Service Area Agreement ("Agreement"), pursuant to Section 6 of the Electric Supplier Act, (220 ILCS 30/1 et seq.). On July 23, 2001, Petitioners filed a verified Supplemental Joint Petition more fully describing the effect of the Agreement on customers in the area. No petitions to intervene were filed in this matter and Staff did not appear. After reviewing the Joint Petition and the Supplemental Joint Petition, the Administrative Law Judge waived the hearing in this docket.

I. Petitioners' Position

Petitioners stated that Interstate is an owner and operator of electric transmission lines and distribution systems in Illinois, and is a public utility within the meaning of Section 3-104 of the Public Utilities Act (220 ILCS 5/3-104) ("the Act") and an electric supplier within the meaning of Section 3.5 of the Electric Supplier Act (220 ILCS 30/3.5). Jo-Carroll is a not-for-profit corporation and an owner and operator of plant, equipment, property, transmission lines, and distribution systems for the sale and distribution of electric energy in Illinois, and is an electric supplier within the meaning of Section 3.5 of the Electric Supplier Act.

The Savannah Army Depot ("Depot") at Savannah, Illinois was the sole customer on Depot land receiving electrical service from Interstate. Prior to closing the Depot on March 18, 2000, the Army privatized the land and gave it to a local economic development group. That group then publicly sought bids to own and operate the electrical infrastructure. Jo Carroll submitted the successful bid to provide electric

service. Until the Army privatized the land, the only customer ever metered and served by Interstate at the Depot was the Army. Other individuals and entities on Depot land were served by the Army and were not at any time customers of Interstate. Electric service to customers in the area in question will continue through Jo-Carroll.

On February 1, 2001, Petitioners entered into an Agreement whereby Interstate relinquished, transferred and assigned to Jo-Carroll all of its electric service rights to serve the Depot. The Agreement stipulates that Interstate and Jo-Carroll also have agreed upon the sale of easements, rights-of-way, land, and personal property and fixtures, including transmission lines, poles, towers, structures, crossarms, cables, wires, guys, supports, and fixtures and devices relating thereto. The Agreement further stipulates that the land and personal property were situated on real estate commonly described as the Depot and that all of the apparatus and equipment associated therewith was located along easements, rights-of-way and upon real estate located generally between Hanover, Illinois and the Depot.

II. Commission Analysis and Conclusion

An examination of the Agreement between Petitioners shows it to be in compliance with Section 6 of the Electric Supplier Act, which states:

Any 2 or more electric suppliers may contract together defining and delineating, as between themselves, one or more service areas in which each such contracting supplier shall be entitled to furnish service. Such contracts are subject to the approval of the Commission.

The Commission finds that Joint Petitioners have demonstrated sufficiently that there is a need for electric service in the area described as the Savannah Army Depot. Nothing in the terms and conditions of the Joint Petition, the Supplemental Joint Petition, the Partial Area Service Agreement, or Section 6 of the Electric Supplier Act bars Jo-Carroll from taking over the full provision of electric service to the Depot service area. The Commission is satisfied that the Army was notified of the change in electric supplier, that no other individuals or entities in the Depot service area were customers of Interstate, and that the other individuals and entities in the Depot service area had public notice that Jo-Carroll would provide electric service.

The Commission, having given due consideration to the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) Interstate Power Company/Alliant is an owner and operator of electric transmission lines and distribution systems in Illinois and is a public utility within the meaning of the Public Utilities Act and an electric supplier within the meaning of the Electric Supplier Act;

- (2) Jo-Carroll Electric Cooperative is an owner and operator of plant, equipment, property, transmission lines, and distribution systems for the sale and distribution of electric energy in Illinois and is an electric supplier within the meaning of the Electric Supplier Act;
- (3) the Commission has jurisdiction over the parties and the subject matter herein;
- (4) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (5) on February 1, 2001, Petitioners entered into a Partial Service Area Agreement whereby Interstate relinquished, transferred and assigned to Jo-Carroll all of its electric service rights to serve the area known as the Army Depot at Savanna, Illinois;
- (6) on March 6 and July 23, 2001, Petitioners filed a Joint Petition and Supplemental Joint Petition, respectively, requesting approval of the Agreement;
- (7) Interstate's only customer at the Depot was the Army, and the Army was notified of the proposed change in electric supplier from Interstate to Jo-Carroll;
- (8) the individuals and entities in the Depot service area had public notice that they will receive electric service from Jo-Carroll;
- (9) the Agreement is in the public interest and should be approved.

IT IS THEREFORE ORDERED that the Partial Service Area Agreement between Interstate Power Company/Alliant and Jo-Carroll Electric Cooperative, attached to the Joint Petition, is hereby approved.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 26th day of September, 2001.

Chairman